

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

United States of America	§	
<i>ex rel.</i> Alex Doe, Relator,	§	
	§	
The State of Texas	§	No. 2:21-CV-00022-Z
<i>ex rel.</i> Alex Doe, Relator,	§	
	§	
The State of Louisiana	§	
<i>ex rel.</i> Alex Doe, Relator,	§	Date: October 18, 2023
	§	
<i>Plaintiffs,</i>	§	
v.	§	
	§	
Planned Parenthood Federation of America,	§	
Inc., Planned Parenthood Gulf Coast, Inc.,	§	
Planned Parenthood of Greater Texas, Inc.,	§	
Planned Parenthood South Texas, Inc., Planned	§	
Parenthood Cameron County, Inc., Planned	§	
Parenthood San Antonio, Inc.,	§	
	§	
<i>Defendants.</i>	§	

**DEFENDANTS’ MOTION FOR LEAVE TO FILE A CONSOLIDATED REPLY IN
SUPPORT OF DEFENDANTS’ MOTION FOR JUDGMENT ON THE PLEADINGS
AND UNOPPOSED EXTENSION OF TIME TO FILE CONSOLIDATED REPLY**

Defendants Planned Parenthood Federation of America, Inc. (“PPFA”), Planned Parenthood Gulf Coast, Inc., Planned Parenthood of Greater Texas, Inc., Planned Parenthood South Texas, Inc., Planned Parenthood Cameron County, Inc., and Planned Parenthood San Antonio, Inc. (together “Affiliate Defendants,” and collectively with PPFA, “Defendants”) respectfully request leave to file a twenty-page consolidated reply brief in response to Relator’s and the State of Texas’s (“Texas’s”) responses to Defendants’ Motion for Judgment on the Pleadings, *see* Dkts. 547, 548. The twenty-page reply brief would also respond to arguments made by The Anti-Fraud Coalition (“TAF Coalition”) in its *Amicus Curiae* brief. Dkt. 549. Defendants also respectfully request a brief extension of time to file their reply brief from October 25, 2023 to

November 3, 2023. Defendants also respectfully move for expedited consideration of this motion in light of Defendants' deadline on Wednesday, October 25, 2023.

Relator and Texas filed individual responses to Defendants' Motion for Judgment on the Pleadings on the evening of October 11, 2023. Relators' response raised arguments regarding, *inter alia*, the constitutionality of the federal False Claims Act *qui tam* provisions and the timeliness of Defendants' motion for judgment on the pleadings. Texas's response raised arguments regarding the constitutionality of the Texas Medicaid Fraud Prevention Act's *qui tam* provisions and the timeliness of Defendants' motion for judgment on the pleadings. Additionally, on October 17, 2023, this Court granted TAF Coalition's Motion for Leave to File An *Amicus Curiae* Brief in support of Relator's Response. Dkt. 550. Like Relator's brief, TAF Coalition's brief raises numerous arguments regarding the constitutionality of the federal False Claims Act *qui tam* provisions.

The local rules limit reply briefs to ten pages unless a party receives permission from the court for a lengthier brief. Local Rule 7.2. Absent an extension of the page limits, under Local Rule 7.1, Defendants' two reply briefs of up to ten pages each are currently due October 25, 2023.

Rather than file separate ten-page reply briefs, Defendants seek to file a single twenty-page consolidated reply brief that would address both Relator's and Texas's responses in opposition as well as the arguments made in TAF Coalition's *amicus* brief. This approach will aid in judicial efficiency, as it will allow Defendants to eliminate redundant matters by addressing overlapping issues and arguments raised by Plaintiffs and *Amicus Curiae* in a single brief.

Defendants also seek a brief nine-day extension of their time to file that consolidated reply, extending the deadline until November 3, 2023. This Court has "historically been generous to both Plaintiffs and Defendants regarding extensions," Dkt. 545, and there is good reason to grant

Defendants a brief extension here. Relator's response is 24 pages, Texas's response is 19 pages, and TAF Coalition's brief is 18 pages, for a combined total of more than 60 pages of briefing. Given the sheer volume of this briefing, the number of issues raised within and between them, and that Defendants' primary drafter must prepare for a motion to dismiss hearing in another case set for October 30, 2023, Defendants request a modest extension of the current deadline, from October 25, 2023 to November 3, 2023, in order to adequately address the issues raised by Plaintiffs and *Amicus Curiae* and provide helpful briefing to the Court.¹

For the foregoing reasons, Defendants respectfully request the Court grant Defendants' request to file a consolidated twenty-page reply and for an extension to file that consolidated reply until November 3, 2023.

Dated: October 18, 2023

Respectfully Submitted,

ARNOLD & PORTER KAYE SCHOLER LLP

/s/ Tirzah S. Lollar

CRAIG D. MARGOLIS

Craig.Margolis@arnoldporter.com

TIRZAH S. LOLLAR

Tirzah.Lollar@arnoldporter.com

CHRISTIAN D. SHEEHAN

Christian.Sheehan@arnoldporter.com

JAYCE BORN

Jayce.Born@arnoldporter.com

EMILY REEDER-RICHETTI

Emily.Reeder-Ricchetti@arnoldporter.com

MEGAN PIEPER

Megan.Pieper@arnoldporter.com

ALYSSA GERSTNER

Alyssa.Gerstner@arnoldporter.com

MEGHAN C. MARTIN

Meghan.Martin@arnoldporter.com

601 Massachusetts Ave, NW

¹ The Court has recently granted requests to modify the page limits in order to streamline briefing for the Court. *See* Dkt. 379 (granting motion to modify page limits for summary judgment).

Washington, DC 20001-3743
Telephone: +1 202.942.6127
Fax: +1 202.942.5999

PAULA RAMER
Paula.Ramer@arnoldporter.com
250 West 55th Street New York,
New York 10019-9710
T: +1 212.836.8474

CHRISTOPHER M. ODELL
Texas Bar No. 24037205
Christopher.Odell@arnoldporter.com
700 Louisiana Street, Suite 4000
Houston, TX 77002-2755
Telephone: +1 713.576.2400
Fax: +1 713.576.2499

RYAN BROWN ATTORNEY AT LAW
RYAN PATRICK BROWN
Texas Bar No. 24073967
ryan@ryanbrownattorneyatlaw.com
1222 S. Fillmore St.
Amarillo, Texas 79101
T: (806) 372-5711
F: (806) 350-7716

*Attorneys for Defendants Planned Parenthood
Gulf Coast, Inc., Planned Parenthood of Greater
Texas, Inc., Planned Parenthood of South Texas,
Inc., Planned Parenthood Cameron County, Inc.,
and Planned Parenthood San Antonio, Inc.*

Respectfully submitted,

O'MELVENY & MYERS LLP

/s/ Danny S. Ashby
DANNY S. ASHBY
Texas Bar No. 01370960
dashby@omm.com
MEGAN R. WHISLER
Texas Bar No. 24079565
mwhisler@omm.com
2501 N. Harwood Street, Suite 1700
Dallas, Texas 75201
T: (972) 360-1900
F: (972) 360-1901

LEAH GODESKY (*pro hac vice*)
lgodesky@omm.com
1999 Avenue of the Stars, 8th Floor
Los Angeles, California 90067
T: (310) 553-6700
F: (310) 246-6779

ANTON METLITSKY (*pro hac vice*)
ametlitsy@omm.com
7 Times Square
New York, New York 10036
T: (212) 326-2000
F: (212) 326-2061

RYAN BROWN ATTORNEY AT LAW
RYAN PATRICK BROWN
Texas Bar No. 24073967
ryan@ryanbrownattorneyatlaw.com
1222 S. Fillmore St.
Amarillo, Texas 79101
T: (806) 372-5711
F: (806) 350-7716

*Attorneys for Defendant Planned Parenthood
Federation of America, Inc.*

CERTIFICATE OF CONFERENCE

On October 17-18, 2023, counsel for Defendants conferred with counsel for Plaintiffs regarding the relief requested in this motion. Plaintiffs stated they consent to the extension to November 3, 2023 and to Defendants filing a 15 page brief.

/s/ Tirzah S. Lollar

Tirzah S. Lollar

CERTIFICATE OF SERVICE

I hereby certify that on October 18, 2023, the foregoing document was electronically filed with the Clerk of Court using CM/ECF.

/s/ Tirzah S. Lollar

Tirzah S. Lollar